

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.1351 of 2012

Dhanasekaran

... Petitioner

Vs

- 1.The Special Deputy Tahsildar [Stamps]
Office of the District Collector,
Cuddalore-1.
- 2.The Sub Registrar,
Avarappakkam,
Cuddalore District.
- 3.The Inspector General of Registration,
Chennai-28.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records on the file of the 1st respondent in his proceedings bearing Na.Ka.Se.Pa.1422/2008-2009 dated 01.02.2011 and quash the same as illegal, incompetent, unlawful and without any justification and further direct the 2nd respondent to return the document bearing No.3754 of 2008 which was registered on 07.08.2008 to the petitioner.

[Document Number amended on as per order dated 07.09.2012 by DHPJ in M.P.No.2/2012 in W.P.No.1351 of 2012]

For Petitioner : Mr.Sarath Chandran for
M/s.V.Raghavachari

For Respondent : Mr.T.M.Pappiah
Spl. Govt. Pleader

O R D E R

The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus, to call for the entire records on the file of the 1st respondent in his proceedings bearing

Na.Ka.Se.Pa.1422/2008-2009 dated 01.02.2011 and quash the same as illegal, incompetent, unlawful and without any justification and further direct the 2nd respondent to return the document bearing No.3754 of 2008 which was registered on 07.08.2008 to the petitioner. "

2. The petitioner had purchased the property comprised in Survey Nos. 23/7B-1, 23/7B-2, 23/7B-3, 23/7B-4, 23/7B-5, 23/7B-6, 23/7B-7, 23/7B-8 and 23/7B-10. He has also purchased another property in Survey No.23/7A for Rs.36,500/-. Although the documents were presented for registration, however, the Sub Registrar, before whom the documents presented for registration, was not satisfied with the valuation of the property. Therefore, the second respondent made a reference to the first respondent and the first respondent issued Form 1 and demanded Rs.1,78,832/-. In response to the demand for higher stamp duty, an objection was submitted by the petitioner.

2.However, the petitioner being aggrieved by the reference to the first respondent by the second respondent, dated 01.02.2011, an appeal has been preferred to the third respondent on 05.08.2011. It appears that the appeal has not been disposed as on date and still kept pending. In the mean while, the petitioner has approached this Court in M.P.No.1 of 2012 and this Court by order, dated 23.01.2012, has directed the second respondent to return the documents registered in favour of the petitioner, vide document No.3753 of 2008. However, despite passage of time, the appeal preferred before the third respondent is still pending.

3.Therefore, the learned counsel for the petitioner would submit that the third respondent may be directed to dispose of the appeal within a stipulated time by this Court. Since the direction sought for by the writ petitioner is limited in its scope, for which, the learned Special Government Pleader appearing for the respondents would have no legitimate objection to dispose of the writ petition.

4.This Court, without going into the merits of the claim made in the writ petition, dispose of the present writ petition as follows:

" there shall be a direction to the first respondent to dispose of the appeal dated 05.08.2011, preferred by the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this

order."

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Deputy Tahsildar [Stamps]
Office of the District Collector,
Cuddalore-1.

2.The Sub Registrar,
Avarappakkam,
Cuddalore District.

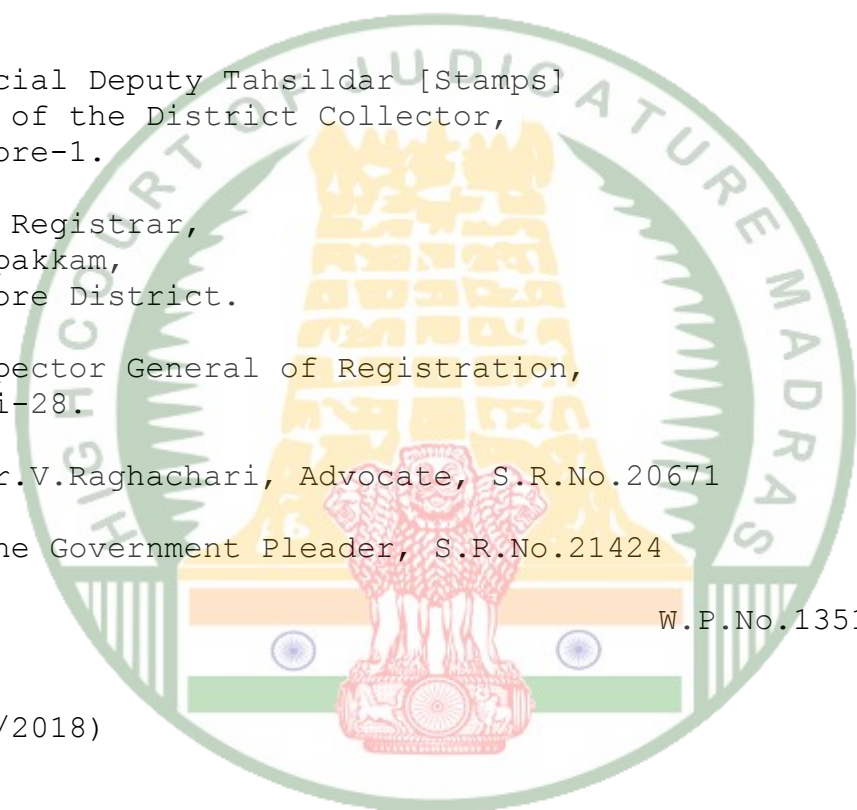
3.The Inspector General of Registration,
Chennai-28.

+1cc to Mr.V.Raghachari, Advocate, S.R.No.20671

+1cc to the Government Pleader, S.R.No.21424

W.P.No.1351 of 2012

GSP(06/04/2018)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant. The entire emblem is set against a background of horizontal stripes (green, white, and green). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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